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## Use of Force - Duty To Intercede and Report

**Topic:** Use of Force

**DTB Date:**

**SCENARIO:**

*This training bulletin is part one of a three-part series.*

"I said give me your other hand!" Officer Nora Tran's frustration is evident as she tries to place the empty handcuff on Ricky Crawford. Assisting with this arrest is Officer Lauren Wilkerson, but Mr. Crawford is anything but cooperative.

"Get your hands off of me!" exclaims Mr. Crawford, twisting and turning to avoid the other handcuff. "I already took care of that warrant."

"Stop resisting!" Officer Tran delivers an effective common peroneal strike to Mr. Crawford's left leg, immediately causing him to fall to the ground. "Now, give me that hand."

Officer Wilkerson kneels down to assist with handcuffing while Officer Tran double-locks the last handcuff. Officer Tran presses the still-uncooperative Mr. Crawford down with her forearm. He curses but gives up and immediately stops moving.

"This is what happens when you resist arrest," Officer Tran says, dropping her knee sharply on Mr. Crawford's ribs before Officer Wilkerson has a chance to process what is happening. Officer Tran then cocks her knee back to deliver another blow to Mr. Crawford's ribs.

**ISSUE: What action is Officer Wilkerson required to take, under these circumstances?**

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**REFER:**

**300.2.1 DUTY TO INTERCEDE AND REPORT**

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (2020 Oregon Laws, c.5, § 2).

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (2020 Oregon Laws, c.5, § 2).

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**ANALYSIS:**

In this situation, Officer Wilkerson and Officer Tran arrest a resisting suspect for an outstanding arrest warrant. Officer Tran's initial use of a strike appears objectively reasonable to gain control of the suspect. However, her second strike to his ribs, after Mr. Crawford is handcuffed, under control, and compliant, is clearly beyond that which

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is objectively reasonable under the circumstances. Officer Wilkerson is present and assisting with the arrest, heard what Officer Tran said to the arrestee, and saw her use of force. Officer Wilkerson did not have time to prevent the first unnecessary blow, but sees Officer Tran cock her knee back in preparation for a second strike to the suspect's ribs. Officer Wilkerson is in a position to intercede.

### **CONCLUSION:**

Under the circumstances, Officer Wilkerson is required to intercede to prevent Officer Tran from using unreasonable force.

### **QUESTION:**

An officer who is present and observes another member using what appears to be unreasonable force under the circumstances is required to:

### **ANSWERS:**

- (a) Notify another member as soon as practicable.
- (b) Do nothing since he/she does not have the full story.
- (c) Intercede when in a position to do so.
- (d) None of the above.

### **CORRECT ANSWER:**

Intercede when in a position to do so.